

The Division notes that this application for approval of the class II injection well was filed for administrative review in August and that notice was published in Moab Times-Independent newspaper on August 26, 2010, and that objections were filed by Living Rivers on September 3, 2010. As a consequence of filed objections, the matter was referred to the Board for approval as required by Utah Admin. Code rule R64905-3(4). The Request for Agency Action was filed with the Board on October 18, 2010 and has been noticed and set for hearing on December 8, 2010 according to the Board's rules. Living Rivers has had access to the application and information filed with the application since at least September 3, 2010, and has been provided full notice of the hearing.

Living Rivers has previously filed matters with the Board and previously been provided accommodation to obtain counsel in a matter before the Board. Living Rivers has since filed matters with the assistance of counsel including a matter now pending before the Board. Living Rivers is aware of the formal nature of the scheduled hearing, the rules of the Board, including the need for obtaining counsel and filing exhibits, and other expectations for hearings.

The Division believes that the injection well application is not unusual or particularly difficult to evaluate, and that there has been sufficient time for Living Rivers to determine the nature of its objections and to prepare for the December hearing. The filing of objections has resulted in the extension of time required for approval of the well and Westwater Farms has already been delayed in its plans beyond the expected date of approval had no objection been filed. Accordingly the Division is of the opinion that further delay to allow Living Rivers to evaluate the application and determine if it has objections is unnecessary and unwarranted.

Respectfully submitted this 30<sup>th</sup> day of November, 2010.



Steven F. Alder (00033)  
Assistant Utah Attorney General  
for Utah Division of Oil, Gas and Mining

**Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing Objection to Continuance was sent by email and by first class mail to the undersigned at the addresses indicated this 30<sup>th</sup> day of November, 2010.

Patrick A. Shea  
Attorney for Living Rivers  
215 South State St. Suite 200  
Salt Lake City, Utah 84111  
and via email to  
[pas@patrickashea.com](mailto:pas@patrickashea.com)

Jacque M. Ramos  
J. Ramos Law Firm  
2709 South Chadwick St.  
Salt Lake City, Utah 84106

Thomas W. Clawson  
Vancott, Bagley, Cornwall & McCarthy  
Counsel for Westwater Farms, LLC  
36 South Main St. #1900  
Salt Lake City, Utah 84111  
[tclawson@vancott.com](mailto:tclawson@vancott.com)

Mike Johnson  
Assistants Utah Attorney General  
Counsel for Utah Board of Oil, Gas and Mining  
[MikeJohnson@Utah.gov](mailto:MikeJohnson@Utah.gov)

  
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